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January 17, 2025

By ECF

Hon. Henry J. Ricardo
United States Magistrate Judge
United States Courthouse
500 Pearl Street
Room 701
New York, NY 10007

Re: Mitchell Kersch v. Foxo Technologies, Inc.
Case No. 24-cv-05408 (JAV) (HJR)

Dear Magistrate Judge Ricardo:

My firm represents Defendant Foxo Technologies, Inc. (“Foxo”).

On December 31, 2024, Foxo moved pursuant to Fed. R. Civ. P. 55(c) and 6(b)(2) to set aside the Clerk’s Certificate of Default and enlarge Foxo’s time to answer the complaint of Plaintiff Mitchell Kersch. (See ECF Doc. Nos. 31 – 34; 36 – 37.)

In view of Foxo’s pending motion to set aside the Clerk’s Certificate of Default, Mr. Kersch’s motion for a default judgment should be held in abeyance until Foxo’s motion is decided. Alternatively, Foxo respectfully requests the Court to consider its motion to set aside the Clerk’s Certificate of Default additionally as its response to the Court’s Order to Show Cause dated December 9, 2024 (ECF Doc. No. 25).

Respectfully submitted,

/s/ Sanford H. Greenberg
Sanford H. Greenberg

cc: Plaintiff’s Counsel via ECF